

**JUSTICE AND PUBLIC SAFETY CABINET  
Kentucky Law Enforcement Council  
(Amendment)**

**502 KAR 47:010. Methamphetamine.**

RELATES TO: KRS 218A.1431, 224.1-010-410 ~~[224.01-410]~~, 224.99-010

STATUTORY AUTHORITY: KRS 16.080, 224.1-010-410 ~~[224.01-410]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.1-010-410 ~~[224.01-410]~~ requires the Department of Kentucky State Police to promulgate administrative regulations establishing a method for assessing properties when an officer has evidence that methamphetamine has been manufactured at a property ~~[in the property]~~. This administrative regulation establishes the method by which the Kentucky State Police shall notify the Energy and Environment Cabinet and the Cabinet for Health and Family Services that a property contains potentially hazardous materials resulting from the manufacture of methamphetamine.

Section 1. Reporting. Officers conducting a criminal investigation occurring at a property in which a suspect has manufactured methamphetamine shall complete and submit the Energy and Environment Cabinet's Clandestine Drug Lab Preliminary Assessment Tier Selection Criteria form DEP 1016, incorporated by reference in 401 KAR 101:030.

(1) This form shall not be part of the officer's criminal investigation file and is not a Department of Kentucky State Police form.

(2) Neither the form nor information derived solely from the form shall be used for investigative purposes.

Section 2. Distribution. Officers shall complete Energy and Environment Cabinet form, Clandestine Drug Lab Preliminary Assessment Tier Selection Criteria form DEP 1016, incorporated by reference in 401 KAR 101:030, and submit a copy to the Local Health Department, the Energy and Environment Cabinet, and the Department of Public Health.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 3:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the method by which the Kentucky State Police shall notify the Energy and Environment Cabinet and the Cabinet for Health and Family Services that a property contains potentially hazardous materials resulting from the manufacture of methamphetamine.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the method by which the Kentucky State Police shall notify the Energy and Environment Cabinet and the Cabinet for Health and Family Services that a property contains potentially hazardous materials resulting from the manufacture of methamphetamine.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the reporting system necessary to assess properties involved in the manufacturing of methamphetamine.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation details the duties of reporting and distributing relevant information.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment clarifies the method by which the Kentucky State Police shall notify the Energy and Environment Cabinet and the Cabinet for Health and Family Services that a property contains potentially hazardous materials resulting from the manufacture of methamphetamine.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary in order for the regulation to reflect current procedures implemented by the Department.

(c) How the amendment conforms to the content of the authorizing statutes: The amended regulation allows for the reporting procedures to be more effectively understood by the Department and reporting agencies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the existing language, which results in a more concise, and clear regulation; the amendment also removed outdated terms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Kentucky State Police, and criminal justice agencies.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No new or additional actions will have to be taken by the regulated entities in order to effectively comply with this amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The Department and criminal justice agencies will benefit from more clearly defined procedures, which will assist in the administration of the procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially: None.
- (b) On a continuing basis: None.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary.
- (8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No, this regulation does not establish any new fees; nor does it directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Kentucky State Police, and criminal justice agencies.
  - (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.160, 17.110, 17.115, 17.150
  - (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
    - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.
    - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.
    - (c) How much will it cost to administer this program for the first year? Nothing.
    - (d) How much will it cost to administer this program for subsequent years? Nothing.
- Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
- Revenues (+/-): None.
- Expenditures (+/-): None.
- Other Explanation: None.